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GOVERNMENT OF INDIA

MINISTRY OF LAW

(Reforms)

NOTIFICATION

New Delhi, the 5th February 1948

No. G. G. O 34.—The following Order made by the Governor-General is published for general information:

THE INDIA PROVISIONAL CONSTITUTION (AMENDMENT) ORDER, 1948.

WHEREAS in the exercise of the powers conferred by section 9 of the Indian Independence Act, 1947, the Governor-General was pleased to make the India (Provisional Constitution) Order, 1947, providing for adaptations and modifications of the Government of India Act, 1935;

AND WHEREAS it appears to the Governor-General to be expedient to make certain further additions to and modifications of the said Government of India Act, 1935;

AND WHEREAS sub-section (5) of section 19 of the Indian Independence Act, 1947, provides that any power conferred by that Act to make any order includes power to vary any order previously made in the exercise of that power;

NOW, THEREFORE, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf, the Governor-General is pleased to make the following Order:—

1. (1) This Order may be cited as the India Provisional Constitution (Amendment) Order, 1948.

(2) It shall come into force at once.

2. The following further additions and modifications shall be made in the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, namely:—

(a) in the proviso to sub-section (1) of section 219, for the words "His Majesty by Letters Patent" the words "order of the Governor-General" shall be substituted;

(b) in paragraph (b) of the proviso to sub-section (2) of section 220, for the words "if the Judicial Committee of the Privy Council on reference being made to them, report" the words "if the Federal Court, on reference being made to it, reports" shall be substituted;

(c) in section 229, for the words "His Majesty" and the words "letters patent", wherever they occur, the words "the Governor-General" and the word "order" shall respectively be substituted;

(d) in sub-section (2) of section 240, for the words "authority subordinate to the Governor-General or the Governor according as that person is serving in connection with the affairs of the Dominion or of a Province", the words "authority other than the Governor-General" shall be substituted;

(e) in sub-clause (i) of clause (b) of section 247, for the word "pay" the word "remuneration" shall be substituted; and

(f) to section 247, the following shall be added:—

"Provided that no rule made under this section shall have effect so as to give to any of the persons aforesaid less favourable terms as respects remuneration, leave or pension, or less rights as respects disciplinary matters, than were given to him by the rules in force immediately before the establishment of the Dominion.

Explanation.—In this section, "remuneration" includes leave pay, allowances and the cost of any privileges or facilities provided in kind."

MOUNTBATTEN OF BURMA,
Governor-General.

K. V. K. SUNDARAM,
Officer on Special Duty.